

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL SANCHEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

CIVIL CASE NO. 06-13653

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

ORDER ACCEPTING REPORT AND RECOMMENDATION

Now before the Court are Plaintiff and Defendant's individual motions for summary judgment [docket entries #10 & 15, respectively], and the Report and Recommendation of Magistrate Judge Donald A. Scheer, filed on April 25, 2007. The magistrate judge's Report and Recommendation recommends that this Court remand the matter to the Commissioner of Social Security "for further proceedings, to include vocational expert testimony as to whether alternative jobs accommodating Plaintiff's limitations existed in the national economy since September 2002." Report and Recommendation, p. 7 (Apr. 25, 2007) (footnote omitted). The magistrate judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a magistrate judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual

or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Capel’s report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #17] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that the matter is **REMANDED** to the Commissioner of Social Security for further proceedings, to include vocational expert testimony as to whether alternative jobs accommodating Plaintiff’s limitations existed in the national economy since September 2002.

SO ORDERED.

Dated: June 7, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 7, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Janet L. Parker; Mikel E. Lupisella, and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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